

Attachment to
FPM Letter No. 736-

Use of the Polygraph in Personnel Investigations of
Competitive Service Applicants and Appointees to
Competitive Service Positions

An executive department or agency which has a highly sensitive intelligence or counter-intelligence mission directly affecting the national security (e.g. a mission approaching the sensitivity of that of the Central Intelligence Agency) may use the polygraph for employment screening and personnel investigations of applicants for and appointees to competitive service positions only after complying with the following procedures:

The executive agency must submit to the Chairman of the Civil Service Commission a statement setting forth the nature of its mission. The Chairman shall then determine whether the agency has an intelligence or counter-intelligence mission directly affecting the national security. If he so finds, the following shall apply:

The agency shall prepare regulations and directives governing use of the polygraph in employment screening and personnel investigations which must be reviewed by the Chairman of the Civil Service Commission. These shall contain as a minimum:

- a. Specific purposes for which the polygraph may be used, and details concerning the types of positions or organizational entities in which it will be used, and the officials authorized to approve such examinations.
- b. A directive that a person to be examined must be informed as far in advance as possible of the intent to use the polygraph and of --
 - (i) Other devices or aids to the interrogation which may be used simultaneously with the polygraph, such as voice recordings, etc.
 - (ii) His privilege against self-incrimination and his right to consult with legal counsel or to secure other professional assistance prior to the examination.
 - (iii) The effect of the polygraph examination or his refusal to take such examination on his eligibility for employment. He shall be informed that refusal to consent to a polygraph examination will not be made a part of his personnel file.

- (iv) The characteristics and nature of the polygraph machine and examination, including an explanation of the physical operation of the machine, the procedures to be followed during the examination, and the disposition of information developed.
 - (v) The general areas of all questions to be asked during an examination.
- c. A directive that no polygraph examination will be given unless the person to be examined has voluntarily consented in writing to be examined after having been informed of the above, (i) through (v).
 - d. A directive that questions to be asked during a polygraph examination must have specific relevance to the subject of the particular inquiry.
 - e. Adequate standards for the selection and training of examiners, keeping in mind the Government's objective of insuring protection for the subject of an examination and the accuracy of polygraph results.
 - f. A provision for adequate monitoring of polygraph operations by a high-level official to prevent abuses or unwarranted invasions of privacy.
 - g. A provision for adequate safeguarding of files, charts, and other relevant data developed through polygraph examinations to avoid unwarranted invasions of privacy.

Approval to use the polygraph will be granted only for one-year periods. A department or Agency given approval to use the polygraph for competitive service positions will be required to recertify annually that the conditions which led to the original certification still obtain in the agency.